

13cv2894
MOD/FLN

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Schaaron L. Martin

Plaintiff(s),

vs.

Case No. _____
(To be assigned by Clerk of District Court)

**Dr. Thomas M. Keane Jr. D. D. S, in his
individual capacity; Dr. John C.
Marker D.D.S, M.S., in his individual
capacity; and Ucare**

DEMAND FOR JURY TRIAL

YES ☐ NO ☒

Defendant(s).

(Enter the full name(s) of ALL defendants in
this lawsuit. Please attach additional sheets
if necessary).

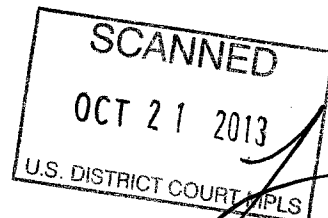
COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	Schaaron Lynette Martin
Street Address	3625 Oliver ave North
County, City	Hennepin County, Minneapolis
State & Zip Code	Minnesota 55412
Telephone Number	(612) 529-2060



2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name **Dr. Thomas M. Keane Jr. D. D.S**
Street Address **3400 West 66th St. Suite# 270**
County, City **Edina**
State & Zip Code **Minnesota 55435**

b. Defendant No. 2

Name **Dr. John C. Marker D.D.S, M.S.**
Street Address **6545 France Avenue South**
County, City **Edina**
State & Zip Code **Minnesota, 55435**

c. Defendant No. 3

Name **Ucare**
Street Address **300 Stinson Blvd. N.E.**
County, City **Minneapolis**
State & Zip Code **Minnesota 55413**

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Question

☐ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

Minnesota Statute 256.045, subd. 7

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name:

State of Citizenship:

Defendant No. 1:

State of Citizenship:

Defendant No. 2:

State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached. ☐

6. What is the basis for venue in the District of Minnesota? *(check all that apply)*

☒ Defendant(s) reside in Minnesota ☒ Facts alleged below primarily occurred in Minnesota

☐ Other: explain

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered

separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7.

7. Ucare violated the Governing Standard of Care Act by denying me access to a Periodontist to treat my Osseous disease from 2009 when it first brought to their attention up until December 2012 when it was re-diagnosed in the emergency room at North Memorial Medical Center in Robbinsdale, Mn. I had no teeth in December 2012 to account for the gingivitis they diagnosed so it linked to the Osseous.

8. It caused the appearance of cavities/abscesses which appeared to be dental issues, which always resulted in the dentist advising complete teeth extracts and suggesting dentures without being properly informed of my existing gum disease.

9. For three plus years I was told to have my teeth pulled and the gum disease would go away. In April of 2012 I did have the 20 remaining teeth pulled, however, Ucare still refused to address the gum disease appropriately. I made multiple requests to Ucare/Doral Dental/Dentaquest. It was unreasonable for them to delay treatment.

8. Which resulted in the Settlement on docket#141884

9. Appealed on Docket# 145995

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☒

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

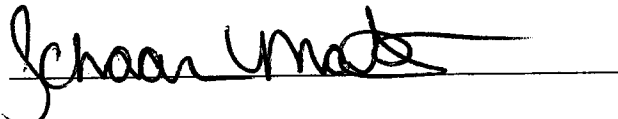
State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

I am asking the courts to award Compensatory and Punitive Damages. I was suppose to receive dental implants the first time in 2009 which was unreasonably delayed by Ucare, then again in March 2013 which was again delayed until 5-20-2013 when Ucare through a representative started to schedule new appointments, implement a new plan and doctor instead of the doctor and procedure they agreed to on Docket#141884.

I am asking the courts to award \$259,000 in Compensatory and Punitive damages. I think Ucare and Dr. Marker acted with actual malice. They are more than 50% responsible for the injury/s.

Signed this **20th** day of **October**, **2013**.

Signature of Plaintiff

A handwritten signature in black ink, appearing to read "Jhaan Umade", written over a horizontal line.

Mailing Address

**3625 Oliver Ave No
Minneapolis, Mn 55412**

Telephone Number

(612) 529-2060

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.

~~*~~ Additional facts

Honorable Author J. Boylan
 United states District Court
 United States courthouse, Siute 9E
 300 South Fourth street
 Minneapolis, MN 55415

Complaint

Honorable Judge Boylan,

Ucare violated the governing standard of care by denying me access to another provider to treat my Osseous disease from 2009 when it was first diagnosed and brought to their attention up until December 29, 2012 when it was re-diagnosed in the Emergency room at North Memorial Ctr in Robbinsdale, MN. I had no teeth in December 2012 to account for the gingivitis they diagnosed so it linked to the osseous's.

It caused the appearance of cavities/abscesses which appeared to be dental issues, which always resulted in the dentist advising complete teeth removal's and suggesting dentures without being properly informed of my existing gum disease.

For three plus years I was told to have my teeth pulled and the gum disease would go away. In April 2012 I did have the remaining teeth pulled, however, Ucare still refused to address the gum disease appropriately. I made multiple request to Ucare/Doral Dental/Dentaquest. It was unreasonable for them to delay treatment.

9. Which resulted in the Settlement on Docket #141884.

11. I am asking the court to award Punitive Damages to me based on Ucare's willful disregard for my safety/health. I was emotionally scarred by this because my appearance was used against me in several court appearances, it has embarrassed me and defamed my character. I have gum damage, mismatched implants (implants/implant supported screws for denture), pain from badly placed implants, it has caused TMJ like symptoms not previously discussed.

12. I am asking the court to not allow Ucare to use the Collateral Source rule if they try. I was coerced into believing one case may be tied another in civil matters.

13. I am asking for an opportunity to get an Oral Surgeon of choice to help fix and finish this process. Based on standard of care, I am refusing to see Dr. Marker.

14. I am asking the court to award Compensatory Damages along with Punitive. I am asking them to make me whole again. I was suppose to receive dental implants in 2009 and March of 2013 which they unreasonably delayed again until 5-20-2013 when Ucare assigned Dr. Marker.

15. Based on Dr. Keane's letter Dated December 2012, I am claiming he too committed Medical Malpractice by allowing another provider to provide treatment and use his name and practice for billing purposes to defraud or misrepresent my informed consent.

16. I am asking that the court order Dr. Keane to pay non-economic losses due to mental

anguish, physical impairment, disability or disfigurement. I am asking that Dr. Keane be responsible for damages for loss of chance to obtain a better outcome in surgery or procedure because of his negligence.

17. Ucare/Dr. Keane failed to get my informed consent to allow Dr. Marker to perform surgery on me, when the surgery resulted in injury, Dr. Keane refused to address situation and refused access to my medical records, he refused follow up care, Dr. Keane allowed his medical records to be altered by insurance representative. Dr. Keane misrepresented or committed fraud regarding who performed the surgeries for dates listed.

18. I am asking the court to not allow Dr. Keane to use the collateral Source rule also if he introduces it.

19. I am saying also Dr. Marker committed Medical Malpractice for failing to provide appropriate treatment for predetermined medical condition. He caused more delays in treatment by prolonging dental implants and trying to implement a denture supported prosthesis.

20. The letter dated in April 2013 is altered and it is signed by an insurance representative not Dr. Keane. It redirects my treatment and prolongs services to be performed. My informed consent for the redirection was misrepresented by Dr. Keane. Dr. Marker did not have my consent to perform surgery. Dr. Marker acted willfully, wantonly, maliciously, fraudulently, with bad faith and a conscious indifference to the potential consequences. He owes me Punitive Damages along with Compensatory damages.

21. Dr. Marker injured me. He caused damage to my right arm which will never be allowed to be used for a blood pressure reading or blood draw, based on him causing DVT- Deep Vein Thrombosis. He will owe me for any medical bills I incur from that injury. Dr. Marker owes me for the mental anguish, inconvenience, physical impairment, disability or disfigurement. He also caused a loss of chance to obtain a better outcome in the surgery or medical procedure because of his negligence.

22. Dr. Marker willfully, wantonly, maliciously, fraudulently, with bad faith or with conscious indifference to the potential harm he was causing by placing implant/s directly on specific nerves to cause symptoms of TMJ in my mouth instead of my ears as previously documented by other medical professionals.

23. Ucare/Dr. Keane/Dr. Marker all owed me a duty in their individual capacities.

24. Ucare/Dr. Keane breached that agreement- neither conformed to the relevant standard of care. Ucare denied treatment for my gum disease for the 3+ years, they were negligent because they had knowledge Dr. Keane didn't have until March when I appealed to the courts, based on prior dental history. Dr. Keane breached our agreement by allowing redirection without my proper informed consent. I could have appealed to the courts based on history. Dr. Keane did not have to allow the redirection or the use of his facilities and he did not have to agree to bill for services he didn't perform. Dr. Keane denied me access to my medical records, he had knowledge they altered his records, he breached his duty independently of Ucare.

25. That breach caused a direct injury to me. I have thrombosis and I may have more damage from his surgical error. I have implant pain. I think he damaged my gums for the appearance of TMJ in my mouth when it always affected my ears. Dr. Keane's medical negligence was the direct link to Dr.

Marker whom caused a direct injury to me.

26. I think Ucare and Dr. Marker acted with actual malice. They are more than 50% responsible for the injury/s.

27. In 2009, my original Prior Authorization was calculated at \$28,145.38 per Doral Dental.

28. Dr. Marker's statement is for \$37,000, that is an increase of \$8,854.62.

29. I am asking the court to order Ucare and Dr. Marker to pay \$111,000.00 each based on their individual medical negligence. That is three times the amount of the surgery.

30. I am asking the courts to have Dr. Keane pay \$37,000 to make me whole again. That should cover fixing my implants and all needed services to finish the process.

Again, I put myself on the mercy of the courts.

Schaaron Martin